

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DOUG BRIGGS, DARCY KOVACS,

Plaintiffs,

v.

LIFE CARE CENTERS OF AMERICA,
INC., LAKE VUE OPERATIONS,
LLC, TODD FLETCHER, ELLIE
BASHAM,,

Defendants.

CASE NO. C21-740 MJP

ORDER DENYING JOINT MOTION
TO AMEND SCHEDULING ORDER

This matter comes before the Court on the Parties' Joint Motion to Amend the Scheduling Order. (Dkt. No. 35.) Having reviewed the Motion, all supporting materials, and the the docket, the Court DENIES the Motion without prejudice.

The Parties ask for a new trial date on January 23, 2023, and a corresponding extension of the case deadlines to accommodate certain expert-related work. (Dkt. No. 35.) Trial in this case is set for October 17, 2022, and the current expert report deadline is March 21, 2022. (Dkt.

1 No. 26.) The Parties indicate that they “recently realized that their experts may only be able to
2 obtain information to pursue claims and defenses through review of data in individual patient
3 records, the number of which is still being determined” and that “[t]his process will be time
4 consuming.” (Dkt. No. 35 at 2.) The Court does not find that this demonstrates good cause to
5 justify the requested extension. The Parties have failed to provide any details on what precisely
6 their experts need to review, who has custody or control over the “patient records,” how much
7 time is needed to identify and obtain the “patient records,” what information the experts need to
8 extract from the “patient records,” how long the various processes and steps are expected to take,
9 what steps have been considered or taken to expedite the process of identifying, obtaining, and
10 reviewing the records, and when precisely the parties learned that these efforts would be “time
11 consuming.” The record presented is inadequate to merit any extension of the trial date or case
12 deadlines. The Court DENIES the motion without prejudice and will consider a renewed motion
13 that addresses, at a minimum, the Court’s concerns noted in this Order. Additionally, the Parties
14 should be aware that the Court does not have any trial dates available in January 2023, and that
15 the next available trial dates after that are in April 2023.

16 The clerk is ordered to provide copies of this order to all counsel.

17 Dated March 11, 2022.

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19 Marsha J. Pechman
20 United States Senior District Judge
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